



INVISTA S.à r.l.
400 DuPont Blvd.
Waynesboro, VA 22980
540-949-2000 Tel
www.invista.com

November 8, 2010

Water Docket
U.S. Environmental Protection Agency,
Mail code: 2822T,
1200 Pennsylvania Ave., NW.,
Washington, D.C., 20460

RE: Docket No. EPA-R03-OW-2010-0736

**Comment - Addendum - EPA's Draft Chesapeake Bay TMDL and its Impact on
INVISTA, Waynesboro, VA – Industrial Storm Water**

Dear Madam/Sir:

I am writing on behalf of the INVISTA – Waynesboro manufacturing facility located in Waynesboro, Virginia. In addition to the individual VPDES permit for the facility's industrial wastewater and on-site storm water, the INVISTA Waynesboro site also holds VPDES Industrial Storm Water General Permit VAR051598, issued July 1, 2009, for the non-contiguous property used for recycle activities. The property is identified as Baugher Farm.

Section 4.5.5 of the Draft Chesapeake Bay TMDL ("Draft TMDL") makes reference to industrial storm water as point sources and notes that the Draft TMDL inventories the industrial storm water in Appendix Q. Allocations for Baugher Farm appear to be missing from Appendix Q and may not have been properly considered as part of the modeling for the Draft TMDL.

In general, it appears that the Draft Chesapeake Bay TMDL provides a waste load allocation for municipal separate storm sewer systems but not for industrial or construction storm water sources. It is our understanding that EPA's designation is in error and that EPA intended for its waste load allocation to include all three sources of storm water loading.

Unfortunately, since the Draft TMDL does not document the total nitrogen, total phosphorus and sediment allocations for the Baugher Farm storm water point source, INVISTA cannot comment on the appropriateness of the allocations other than to say that zero allocations are not feasible. The Virginia General Industrial Storm Water permit currently issued for Baugher Farm has a limit of 100 mg/l Total Suspended Solids for storm water discharged to streams with a Virginia TMDL. The South River currently has a Virginia developed TMDL for benthic organisms (sediment and phosphorus), and bacteria.

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EPA must correct the Draft TMDL to reflect its error and should include an explanation as to how it assigns the allocations. This missing information further emphasizes the need for EPA to reissue a corrected Draft TMDL with a more appropriate 90-day comment period.

I appreciate the opportunity to comment on the EPA's Draft Chesapeake Bay Total Maximum Daily Load (TMDL). If you have questions or comments, please do not hesitate to contact me or Brenda Kennell (for technical comments) at the address on the letterhead.

Sincerely,



Michael W. Laczynski
Waynesboro Plant Manager
INVISTA

Cc: Charles Martin
Virginia Department of Environmental Quality
Office of Water Quality Programs
P. O. Box 1105
Richmond, Virginia 23218

Tara Siebert
Department of Environmental Quality
Water Division - Valley Regional Office
P.O. Box 3000
Harrisonburg, VA 22801

VABAYTMDL@dcv.virginia.gov